

REMARKS

Claims 1-8 are presently pending in the application. Claims 5-6 were objected to because of informalities. Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 7,190,901 ("Farmer") in view of U. S. Patent No. 5,481,542 ("Logston").

Claims 5 and 6 were amended to overcome the informalities changing DCT to DHCT.

Claims 1-3 and 5-7 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 4-6 and 9-11 of copending application no. 10/821,476. Accordingly, a terminal disclaimer is filed herewith thereby removing the provisional rejection.

Claims 1-8 are believed to be patentable over the cited art for at least the following reasons. Reconsideration and reexamination is respectfully requested in light of the following remarks and amendments.

As claimed, independent claims 1 and 5, as amended, are directed towards including an SWRD at each subscriber's premises. Notably, and in accordance with the present invention, each SWRD contains an upstream demodulator that demodulates the modulated RF reverse signals. As mentioned in the specification, there are a plurality of downstream modulators 365a-n that typically serve different areas of the system where each area has different multiple upstream demodulators. Conventionally, the upstream demodulators were co-located with the downstream modulators, so there was no problem in identifying which downstream modulator needed to respond. In the present invention, however, the downstream modulator is not directly coupled to the upstream demodulator, thereby requiring identification of an associated modulator.

Farmer provides a subscriber optical interface 140 that utilizes a phase locked loop to frequency control and digitally scale reverse RF signals in order to transmit legacy signals over an optical network. Specifically, Farmer only discusses providing a reverse path for legacy equipment in an optical network by reducing reverse RF signals and combining the reduced RF signals with other reverse, or upstream, data packets. Importantly, Farmer does not teach or discuss including a demodulator at each subscriber's premises; therefore, there is no requirement for including a corresponding downstream modulator address along with the reduced RF reverse signals.

Typically, and as shown in Logston (FIG. 2, demodulators 122), demodulation occurs in the headend not at a subscriber's premises. As illustrated, the demodulators 122 receive reverse signals from the DHCTs. The demodulators 122 are then coupled to an appropriate modulator 124 that modulates any downstream signals. In this way, service groups are set up between one or more DHCTs and a demodulator 122 and a particular downstream modulator 124. Because the demodulator and the modulator are "grouped," there is, therefore, no requirement for the DHCT to know the address of the

modulator 124. In this light, Logston also does not have a requirement for including an identification number, or address, of a particular downstream modulator in the communication messages.

It is respectfully submitted, therefore, that Farmer and Logston, either alone or in combination, do not render independent claims 1 and 5 unpatentable. Additionally, claims 2-4 and 6-8 further limit the independent claims, and should also be allowable over the cited art.

Reconsideration of the claims 1-8 is respectfully requested.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated September 21, 2007. Claims 1-8 will be pending in the present application upon entry of the present amendment, with claims 1 and 5 being independent. Based on the amendments and remarks set forth herein, Applicants respectfully submit that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 2 independent claims. Because Applicants have previously paid for 20 total claims and 3 independent claims, it is believed that no additional fee is due. Should it be determined that any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

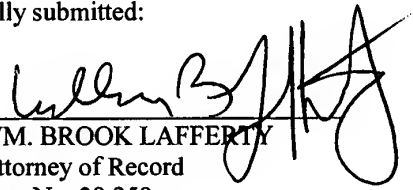
Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

SEND CORRESPONDENCE TO:

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